

CITY OF SAN JOSÉ, CALIFORNIA
 Department of Planning, Building and Code Enforcement
 801 North First Street, Room 400
 San José, California 95110-1795

Hearing Date/Agenda Number
 H.L.C. 3/05/03 Item. 3.b.

File Number
 MA02-004

Application Type
 Historic Property Contract for
 City Landmark No. HL01-144
 CC Resolution No. 71154, Aug. 6, 2002

Council District SNI
 3 Market/Almaden

Planning Area
 Central

Assessor's Parcel Number(s)
 264-30-097

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Sally Notthoff Zarnowitz

Location: north side of Pierce Avenue approximately 150 feet easterly of Colton Place

Gross Acreage: 0.17 Net Acreage: 0.17 Net Density: n/a

Existing Zoning: R-1-8 Residential Existing Use: Single Family Residential

Proposed Zoning: No change Proposed Use: No change

GENERAL PLAN

Completed by: SNZ

Land Use/Transportation Diagram Designation: MLDR (8 DU/ACRE)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SNZ

North: Residential R-1-8 Residential

East : Residential A(PD) Planned Development

South: Residential R-1-8 Residential

West: Residential R-1-8 Residential

ENVIRONMENTAL STATUS

Completed by: SNZ

☐ Environmental Impact Report found complete
☐ Negative Declaration circulated on
☐ Negative Declaration adopted on

☒ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: SNZ

Annexation Title: Original City

Date: 3/27/50

PLANNING DEPARTMENT RECOMMENDATION

☒ Recommend Approval
☐ Recommend Approval with Conditions
☐ Recommend Denial

Date: _____ Approved by: _____

APPLICANTS/OWNERS

William A. and LaCindya L. Arvayo
89 Pierce Avenue
San Jose CA 95110

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SNZ

Department of Public Works

None

Other Departments and Agencies

None

GENERAL CORRESPONDENCE

See attached Department of Parks and Recreation Form

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The property owners, William and LaCindya Arvayo are requesting a Historic Property Contract to allow property tax relief to rehabilitate and maintain this City Landmark, 89 Pierce Avenue (HL01-144), located on the north side of Pierce Avenue approximately 150 feet easterly of Colton Place. If the City Council adopts a resolution approving a Historical Property Contract for the property, the City shall enter into a contract with the owner and the City Clerk shall record a copy of the contract with the County Recorder. The subject site is currently zoned R-1-8 Residential and designated Medium Low Density Residential (8DU/AC) on the General Plan Land Use and Transportation Diagram.

This two-story single family Queen Anne Victorian style house was constructed in 1894 at 725 Marliere Avenue (now Spencer Avenue) and relocated to its current location in 1905. The structure is significant for its embodiment of distinguishing characteristics of Queen Anne Victorian architecture and construction.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15331 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is found to be exempt from environmental review in that the project is limited to the rehabilitation of a historical resource in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

GENERAL PLAN CONFORMANCE

The Historic Property Contract for this 0.17 gross-acre site (5.8 DU/AC) conforms with the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 Dwelling Units/Acre). The densities set forth for the single-family residential categories represent the maximum allowable density. No minimum density is intended to apply to these categories. Lower densities may be allowed, especially if to do so would preserve the historic and architectural qualities, and the use would not otherwise be incompatible with the surrounding area.

ANALYSIS

1. Required Provisions of Historic Property Contracts

Municipal Code Chapter 13.48 requires provisions of Historic Property Contracts as follows

- A. A description of the Landmark Property subject to the Contract;
- B. A provision that the term of the Contract is a minimum period of ten years;
- C. Specific conditions requiring preservation of the Landmark Property and, where appropriate, restoration and rehabilitation of the Landmark Property to conform to the requirements of the City, and the rules and regulations of the Office of Historic Preservation of the State of California Department of Parks and Recreation;
- D. Provision for the periodic examination of the interior and exterior of the Landmark Property by the City of San Jose, Santa Clara County Assessor, and the State Board of Equalization as may be necessary to determine the owner's compliance with the Contract.
- E. A requirement that the property owner annually expend an amount equal to a minimum of 10% of the tax savings attributed to the Contract to the preservation and maintenance of the Landmark Property; and
- F. A provision that the Contract is binding upon and shall inure to the benefit of, all successors in interest of the owners; and that a successor in interest shall have the same rights and obligations under the Contract as the original owners who entered into the Contract.

In Addition to the Municipal Code provisions above State legislation requires the City Clerk to record a Historic Property Contract with the County Recorder by December 31 of any calendar year in order to be effective during the following calendar year.

2. Required Findings of Historic Property Contracts

In accordance with Municipal Code Chapter 13.48, the City Council may approve a Historic Property Contract only if the following findings are made:

- A. The proposed Contract is consistent with the General Plan;
- B. The proposed Contract would provide greater protection for the Landmark Property than is otherwise provided by the provisions of Municipal Code Chapter 13.48; and
- C. The proposed Contract complies with the required provisions of Historic Property Contracts listed above.

PUBLIC OUTREACH

A public hearing notice for the Historic Landmarks Commission and City Council meetings was published in a local newspaper and mailed to all property owners and tenants within 500 feet of the subject site.

RECOMMENDATION

Planning staff recommends that the Historic Landmarks Commission recommend that the City Council make the following findings and approve the Historic Property Contract:

- A. The proposed Contract is consistent with the General Plan Land Use designation of Medium Low Density Residential MLDR (8 DU/AC) because (1) the proposed single-family use is consistent with the Land Use/Transportation Diagram Designation of MLDR (8 DU/AC), and (2) the proposal encourages the continuation and appropriate expansion of Federal and State programs which provide tax and other incentives for the rehabilitation of historically or architecturally significant structures.
- B. The proposed Contract provides greater protection for the Landmark Property than is otherwise provided by the provisions of Municipal Code Chapter 13.48 because the owner, in partnership with the City, may use property tax relief to rehabilitate and maintain the property in accordance with the preservation plan, Exhibit "C".
- C. The proposed Contract complies with the required provisions of Historic Property Contracts listed above.

Attachments

- Contract
- Dept. of Parks and Recreation Form
- Photo
- Site Plan